

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

ANDRE PATRICK GANT,

Plaintiff,

v.

Case No. 8:23-cv-1526-CEH-AAS

MANATEE COUNTY CENTRAL JAIL,

Defendant.

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ORDER

Plaintiff, a prisoner in the custody of the Manatee County Jail, initiated this action by filing a civil rights complaint (Doc. 1), and a motion to proceed *in forma pauperis* (Doc. 2). In his complaint Plaintiff alleges that on March 10, 2023, he was beaten by four officers at Manatee County Jail (MCJ). He contends MCJ violated his rights under the Fourteenth Amendment and seeks \$50.5 million in damages and unspecified injunctive relief.

After examining the complaint in accord with 28 U.S.C. § 1915(e)(2)(B)¹, the

¹A prisoner who is allowed to proceed *in forma pauperis* in this Court will have his complaint screened in accordance with the provisions of 28 U.S.C. § 1915(e)(2)(B). This screening procedure requires the Court to dismiss a prisoner's civil action prior to service of process if it determines that the complaint is frivolous, malicious, fails to state a claim upon which relief may be granted, or seeks monetary damages from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B)(i)-(iii).

Court concludes that the complaint must be dismissed because it fails to state a claim upon which relief may be granted. MCJ, the only named defendant (*see* Doc. 1 at 6), is not a legal entity amenable to suit. *See Brannon v. Thomas County Jail*, 280 F. App'x 930, 934 n.1 (11th Cir. 2008) ("County Jail is not an entity capable of being sued under Georgia law"); *Maldonado v. Baker Cnty. Sheriff's Off.*, 513 F. Supp. 3d 1339, 1348 (M.D. Fla. 2021) ("[A] sheriff's office, jail, or detention center is not an entity subject to suit under Florida law."). Accordingly, because Plaintiff seeks relief from a party that cannot be sued under Florida law, he fails to state a claim upon which relief may be granted, and the complaint must be dismissed. *See Reyle v. Clay Cnty. Jail*, 2018 WL 2197782, at *1 (M.D. Fla. May 14, 2018) (dismissal without prejudice warranted when only named defendant was the jail).

Plaintiff's civil rights complaint (Doc. 1) is **DISMISSED without prejudice** for failure to state a claim upon which relief may be granted. Plaintiff may file a new lawsuit, with a new case number, against a defendant amenable to suit. The Clerk is directed to terminate any pending motions as moot, and close this case.

ORDERED in Tampa, Florida, on July 18, 2023.


Charlene Edwards Honeywell
United States District Judge

Copy to: Plaintiff, *pro se*